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et al.

H.B. No. 1447

A BILL TO BE ENTITLED

AN ACT

relating to protective orders for certain victims of sexual assault
or abuse, stalking, or trafficking.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 7A.01(a), Code of Criminal Procedure, is
amended to read as follows:

(a) The following persons may file an application for a
protective order under this chapter without regard to the
relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under
Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

(2) a person who is the victim of an offense under
Section 20A.02, 20A.03, or 43.05, Penal Code;

(3) a parent or guardian acting on behalf of a person
younger than 17 years of age who is the victim of an offense listed
in Subdivision (1);

(4) a parent or guardian acting on behalf of a person
younger than 18 years of age who is the victim of an offense listed
in Subdivision (2); or

(5) a prosecuting attorney acting on behalf of a
person described by Subdivision (1), ~~(2)~~, (3), or (4).

SECTION 2. The heading to Article 56.021, Code of Criminal
Procedure, is amended to read as follows:

Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE,

1 STALKING, OR TRAFFICKING.

2 SECTION 3. Article 56.021, Code of Criminal Procedure, is
3 amended by adding Subsection (d) to read as follows:

4 (d) This subsection applies only to a victim of an offense
5 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072,
6 or 43.05, Penal Code. In addition to the rights enumerated in
7 Article 56.02 and, if applicable, Subsection (a) of this article, a
8 victim described by this subsection or a parent or guardian of the
9 victim is entitled to the following rights within the criminal
10 justice system:

11 (1) the right to request that the attorney
12 representing the state, subject to the Texas Disciplinary Rules of
13 Professional Conduct, file an application for a protective order
14 under Article 7A.01 on behalf of the victim;

15 (2) the right to be informed:

16 (A) that the victim or the victim's parent or
17 guardian, as applicable, may file an application for a protective
18 order under Article 7A.01;

19 (B) of the court in which the application for a
20 protective order may be filed; and

21 (C) that, on request of the victim or the
22 victim's parent or guardian, as applicable, and subject to the
23 Texas Disciplinary Rules of Professional Conduct, the attorney
24 representing the state may file the application for a protective
25 order;

26 (3) if the victim or the victim's parent or guardian,
27 as applicable, is present when the defendant is convicted or placed

1 on deferred adjudication community supervision, the right to be
2 given by the court the information described by Subdivision (2)
3 and, if the court has jurisdiction over applications for protective
4 orders that are filed under Article 7A.01, the right to file an
5 application for a protective order immediately following the
6 defendant's conviction or placement on deferred adjudication
7 community supervision; and

8 (4) if the victim or the victim's parent or guardian,
9 as applicable, is not present when the defendant is convicted or
10 placed on deferred adjudication community supervision, the right to
11 be given by the attorney representing the state the information
12 described by Subdivision (2).

13 SECTION 4. The change in law made by this Act applies to a
14 victim of criminally injurious conduct for which a judgment of
15 conviction is entered or a grant of deferred adjudication is made on
16 or after the effective date of this Act, regardless of whether the
17 criminally injurious conduct occurred before, on, or after the
18 effective date of this Act.

19 SECTION 5. This Act takes effect September 1, 2015.